

REMARKS

As a threshold matter, Applicants note that the Examiner has not indicated that the references included in Applicants' second supplemental Information Disclosure Statement (IDS) filed May 26, 2005 have been considered, although this IDS was mailed only shortly before the Examiner's Non-Final Office Action was sent on June 3, 2005. Applicants respectfully request that the Examiner acknowledge consideration of the references of this IDS by initialing each reference on a copy of the IDS and returning the copy to the Applicants' representative.

Overview

Claims 134-194, 205, and 207-219 currently stand allowed, and the Examiner has objected to claims 196 and 197 as being dependent upon a rejected base claim but indicated that these claims would be allowable if rewritten in independent form.

The Examiner also responded in the prior Office Action as follows: rejected claims 195, 198-204, and 206 under 35 U.S.C. § 101 as being directed to non-statutory subject matter due to the lack of recitation of computer hardware.

Applicants hereby amend claims 195-196, 198-199, and 206 in order to clarify the subject matter of their invention, and add new claims 220-297. Thus, claims 134-297 are pending.

Analysis

Applicants thank the Examiner for the indication of allowable subject matter with respect to all of the previously pending claims other than claims 195, 198-204 and 206. With respect to claims 195, 198-204 and 206, the Examiner has rejected these claims under 35 U.S.C. § 101 due to a lack of recitation of computer hardware. Applicants disagree with the basis of these rejections and believe that previously pending claims 195, 198-204 and 206 are in allowable form, and in particular note the recent decision by an expanded panel of the Board of Patent Appeals and Interferences in the matter of *In Ex parte Lundgren*, Appeal No. 2003-2088 (Precedential BPAI opinion September 2005), in which the Board rejected the Examiner's argument that the claimed invention was "outside the technological arts" because it lacked "disclosure or suggestion of computer, automated means, [or] apparatus of any kind" (Lundgren, page 4, emphasis added), as well as reiterating that no separate "technological arts test" even

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exists. Nonetheless, pending claims 195, 198-199 and 206 have been amended to expedite prosecution of this application and are believed to be in a form that addresses the Examiner's concerns. Dependent claims 200-204, which depend from claim 199, are believed to similarly be patentable for at least the same reasons as amended claim 199.

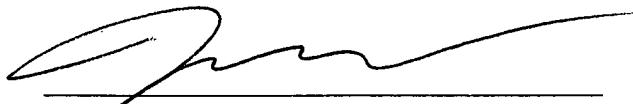
In addition, Applicants have added new claims 220-297. As each of these new claims depends from a claim previously indicated to be in allowable form or from one of amended claims 195, 198, 199 or 206, Applicants believe that each of these new claims is patentable for at least the same reasons as the claims from which they depend.

Conclusion

In light of the above remarks, Applicants respectfully submit that all of the pending claims are allowable. Applicants therefore respectfully request the Examiner to reconsider this application and timely allow all pending claims. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 694-4815.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,
SEED Intellectual Property Law Group PLLC



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